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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,119	10/24/2003	Michael Martin	11461/4	1647
43935	7590	11/17/2004		
FRASER MARTIN BUCHANAN MILLER LLC 132C WEST SECOND STREET PERRYSBURG, OH 43551-1401			EXAMINER DONOVAN, LINCOLN D	
			ART UNIT 2832	PAPER NUMBER

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/693,119

Applicant(s)

MARTIN, MICHAEL

Examiner

Lincoln Donovan

Art Unit

2832

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 8-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12-29-03
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Election/Restrictions***

Claims 8-20 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to nonelected claimed species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 08-23-04.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Konno [US 3,604,027] in view of Weinstein [US 5,558,314].

Regarding claim 1, Konno discloses an apparatus for maintaining magnets in an opposing relationship comprising:

- a first magnet [12a] having a first magnetic field in a first orientation;
- a second magnet [12b] having a second magnetic field in a second orientation that substantially opposes the first orientation [column 1, lines 35-41]; and
- a plurality of springs [11] cooperating with the magnets.

Konno disclose everything claimed except the springs being attached to the first and second magnets.

Weinstein discloses a support apparatus having a plurality of support plates [68, 69] with springs [63] therebetween.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to mount the springs between the magnets of Konno, as suggested by Weinstein, in order to provide support for the springs.

Regarding claims 2-5, Konno discloses a plurality of springs being spaced equidistantly from each other. The specific number of springs used would have been an obvious design consideration based on size of the apparatus.

Regarding claim 6, Konno disclose everything claimed except the specific use of rare earth type magnets.

To use rare earth magnets for the magnetic apparatus of Konno would have been obvious to provide greater opposition force therebetween, as acknowledged by applicant in the specification, paragraphs 36-37.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Konno, as modified, as applied to claims 1 above, and further in view of Minnick [US 3,467,973].

Konno, as modified, disclose everything claimed except for varying the strength of the magnets used.

Minnick discloses a suspension apparatus having means [figure 3] to vary the force applied between two support surfaces [13, 14].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use magnets of differing strengths to vary the opposition force in

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Konno, as modified, as suggested by Minnick, for the purpose of accommodating uneven loads.

***Conclusion***

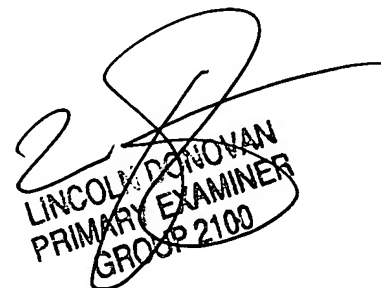
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Regan [US 3,999,234], Usami [US 4,222,137], Slone [US 4,100,631] and Morgan et al. [US 4,181,931].

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lincoln Donovan whose telephone number is 571-272-1988. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin Enad can be reached on 571-272-1990. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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